



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
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Arnold Schwarzenegger
Governor

November 19, 2007

Terri Ely
California Dept. of Boating and Waterways
2000 Evergreen Street, Suite 100
Sacramento, CA 95815

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION
FOR THE PROPOSED EXTENSION OF THE POWER COVE BOAT RAMP AND THE
REPLACEMENT OF BOAT RAMP NO. 6, LAKE PERRIS STATE RECREATION AREA,
RIVERSIDE COUNTY (ACOE REFERENCE NO. NOT AVAILABLE)**

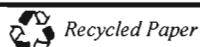
Dear Ms. Ely:

On September 26, 2007, we received two applications for Clean Water Act Section 401 Water Quality Standards Certification (Certification) for proposed work on two boat ramps at the Lake Perris State Recreation Area, Riverside County. This letter responds to both of your requests for certification that the proposed projects, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) and subsequent Basin Plan amendments:

Project Descriptions:	Extension of the existing Power Cove Boat Ramp and replacement of Boat Ramp No. 6 at Lake Perris State Recreation Area. The Power Cove Boat Ramp will be concrete and extended 210-feet further into the Lake. The Ramp extension will be flanked by rip-rap for erosion control. Boat Ramp No. 6 will replace the existing concrete ramp in-kind. The Power Cove Boat Ramp and Boat Ramp No. 6 are located in Section 35 and 34, respectively, of Township 3 South, Range 3 West of the U.S. Geological Survey <i>Perris, California</i> 7.5-minute topographic quadrangle map (33 deg. 52 min. N/-1178 deg. 09 min W and 33 deg. 52 min. 01.7 sec. N/-117 deg. 10 min. 50.6 sec. W, respectively).
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Receiving water:	Lake Perris.
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California Environmental Protection Agency



Fill area: 0.14 acres of permanent impact to lake bed at Power Cove (60 linear feet of shoreline) and 0.61 acres of temporary impact to lake bed at Ramp No. 6 (75 linear feet of shoreline).

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 36.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. Appropriate Best Management Practices will be implemented to reduce construction-related impacts to Waters of the State. This project will occur in an area that is less than one acre. Therefore, coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 99-08 DWQ, is not required.

Construction de-watering discharges are regulated under Regional Board Order No. R8-2003-0061, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimis) Threat to Water Quality. For more information, please review Order No. R8-2003-0061 at www.waterboards.ca.gov/santaana/pdf/03-61.pdf.

You have applied for Nationwide Permits from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have also applied for a Lake Alteration Agreement from the Department of Fish and Game. The Department of Boating and Waterways and the Executive Officer have determined that the projects qualify for a Class 1 Categorical Exemption from the California Environmental Quality Act (CEQA), pursuant to Section 15301 and 15302 of the CEQA Guidelines, in Title 14 of the California Code of Regulations.

This 401 Certification is contingent upon the execution of the following conditions:

- 1) The discharger must implement an effective combination of best management practices to reduce pollutants in storm water and non-storm water discharges from the project site to the maximum extent practicable using best available technology and best conventional technology.
- 2) Project-related activities must not cause the background natural turbidity, as measured in Nephelometric Turbidity Units (NTUs), in the receiving waters to be increased by values greater than the following Basin Plan objectives at a distance of 100 feet from the activity:
 - a. If natural turbidity is between 0 and 50 NTU, the maximum increase shall not exceed 20% of the measured natural turbidity.



- b. If natural turbidity is 50 to 100 NTU, the increase shall not exceed 10 NTU.
- c. If natural turbidity is greater than 100 NTU, the maximum increase shall not exceed 10% of the measured natural turbidity.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

Although we anticipate no further regulatory involvement, if the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, we may formulate Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (Regional Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance. Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. Please notify our office five (5) days before construction begins on this project.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 200-0017-DWQ is available at www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Gerry Salas
State Water Resources Control Board, OCC – Erik Spiess
State Water Resources Control Board, DWQ-Water Quality Certification Unit – Bill Orme
California Department of Fish and Game, Ontario Office – Jeff Brandt
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini and David Smith

APF:401/certifications/Lk Perris power cove boat ramp 6 332007-37 & -38

